

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

O'SHEA PETTWAY,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 2:18-cv-10318

HONORABLE STEPHEN J. MURPHY, III

**ORDER ADOPTING REPORT AND RECOMMENDATION [19],
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT [16],
AND GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT [17]**

The Commissioner of the Social Security Administration ("SSA") denied the application of O'Shea Pettway ("Pettway") for Supplemental Security Income and Disability Insurance Benefits in a decision issued by an Administrative Law Judge ("ALJ"). ECF 13. After the SSA Appeals Council declined to review the ruling, Pettway appealed. The Court referred the matter to Magistrate Judge Stephanie Dawkins Davis, and the parties filed cross-motions for summary judgment. ECF 16, 17. The magistrate judge issued a Report and Recommendation ("Report") suggesting the Court deny Pettway's motion and grant the Commissioner's motion. ECF 19. Civil Rule 72(b) governs review of a magistrate judge's report and recommendation. De novo review of the magistrate judge's findings is required only if the parties "serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2). Because neither party filed objections, de novo review of the

Report's conclusions is not required. After reviewing the record, the Court finds that the magistrate judge's conclusions are factually based and legally sound. Accordingly, the Court will adopt the Report's findings, deny Pettway's motion for summary judgment, and grant the Commissioner's motion for summary judgment.

ORDER

WHEREFORE, it is hereby **ORDERED** that the magistrate judge's Report and Recommendation [19] is **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment [16] is **DENIED**.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment [17] is **GRANTED**.

IT IS FURTHER ORDERED that the case is **DISMISSED WITH PREJUDICE**.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: July 23, 2019

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on July 23, 2019, by electronic and/or ordinary mail.

s/David P. Parker
Case Manager